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7 Attorneys for Complainant

8 BEFORE THE DIVISION OF MEDICAL QUALITY

9 BOARD OF MEDICAL QUALITY ASSURANCE

10 DEPARTMENT OF CONSUMER AFFAIRS


11 STATE OF CALIFORNIA

12 In the Matter of the Accusation	)	NO. D-2055
13 Against:	)	
14 GERALD C. OLESEK, M.D.	)	
15 Physician's and Suregon's	)	DECISION
16 Certificate No. C-25323	)	
17 Respondent.	)	

18 The attached Stipulation for Settlement is hereby  
19 adopted by the Division of Medical Quality, Board of Medical  
20 Quality Assurance of the State of California as its Decision in  
21 the above entitled matter.

22 This Decision shall become effective on the 14th day of  
23 MARCH, 1978.

24 IT IS SO ORDERED THIS 13th day of FEBRUARY, 1978.

25   
26 DIVISION OF MEDICAL QUALITY  
27 Board of Medical Quality Assurance  
Department of Consumer Affairs  
State of California

1 EVELLE J. YOUNGER, Attorney General  
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10 DEPARTMENT OF CONSUMER AFFAIRS

11 STATE OF CALIFORNIA

12 In the Matter of the Accusation	)	NO. D-2055
13 Against:	)	
14 GERALD C. OLESEK, M.D.	)	
15 Physician's and Suregon's	)	STIPULATION FOR SETTLEMENT
16 Certificate No. C-25323	)	
17 Respondent.	)	

18 IT IS HEREBY STIPULATED AND AGREED by and between the  
19 parties to the above entitled matter that the following  
20 allegations are true:

21 1. That Robert Roland, complainant of the within  
22 accusation and the Executive Director of the Division of Medical  
23 Quality, Board of Medical Quality Assurance of the Department of  
24 Consumer Affairs of the State of California, is represented herein  
25 by Evelle J. Younger, Attorney General of the State of California,  
26 by Samuel E. Spital, Deputy Attorney General.

27 2. That Gerald C. Olesek, M.D., is represented by Allen

1 Rigdon, Esq. That respondent has retained Allen Rigdon, Esq., as  
2 his attorney in regard to the administrative action herein and  
3 that the respondent has counseled with Allen Rigdon concerning the  
4 effect of this Stipulation, which the respondent herein has  
5 carefully read and scrutinized and which he fully understands.

6           3. That the respondent has received and read the  
7 Accusation which is presently on file and pending in Case No. D-  
8 2055 before the Division of Medical Quality, Board of Medical  
9 Quality Assurance of the Department of Consumer Affairs of the  
10 State of California.

11           4. That the respondent understands the nature of the  
12 charges alleged in the above mentioned Accusation and that said  
13 charges and allegations would constitute causes for imposing  
14 discipline upon the respondent's physician's and surgeon's  
15 certificate heretofore issued by the Board of Medical Quality  
16 Assurance.

17           5. That the respondent and his attorney are aware of  
18 each of respondent's rights, including the right to a hearing on  
19 the charges and allegations; respondent's right to confront and  
20 cross-examine witnesses who would testify against him;  
21 respondent's right to present evidence in his favor or to call  
22 witnesses in his behalf, or to so testify himself; respondent's  
23 right to contest the charges and any other rights which may be  
24 accorded him pursuant to the California Administrative Procedure  
25 Act (Gov. Code § 11500, et seq.); his right to reconsideration,  
26 appeal to superior court and to any other or further appeal; that  
27 respondent understands that in signing this Stipulation, rather

1 than contesting the Accusation, he is enabling the Division of  
2 Medical Quality, Board of Medical Quality Assurance, to revoke his  
3 license, which was heretofore issued by the Board of Medical  
4 Quality Assurance, upon this Stipulation without further process.

5           6. That respondent freely and voluntarily waives each  
6 and every one of the rights set forth hereinabove; that  
7 respondent, rather than contesting the charges in the Accusation  
8 presently on file at a formal hearing, for the purpose of the  
9 instant proceeding before the Division of Medical Quality, Board  
10 of Medical Quality Assurance, only, admits and stipulates to the  
11 truth and accuracy of each and every one of the allegations and  
12 charges enumerated in paragraphs 1 through and including 4 (D), on  
13 pages 1 through and including page 4 of the said Accusation.

14           7. That the Division of Medical Quality, Board of  
15 Medical Quality Assurance, has the authority to take disciplinary  
16 action against respondent's license pursuant to sections 2360 and  
17 2372 of the Business and Professions Code.

18           8. That based upon all of the foregoing admissions,  
19 stipulations and recitals, it is stipulated and agreed that the  
20 Division of Medical Quality, Board of Medical Quality Assurance,  
21 may issue a Decision upon this Stipulation whereby:

22           A. Physicians and Surgeons Certificate No. C-25323  
23 heretofore issued to respondent Gerald C. Olesek, M.D., is  
24 hereby revoked, provided, however, said revocation is stayed  
25 for a period of Five (5) years on the following conditions:

26                   (1) Respondent shall comply with all  
27 laws of the United States, State of Calif-

1 ornia and its political subdivisions, and the  
2 rules and regulations of the Board of  
3 Medical Quality Assurance.

4 (2) Respondent shall initiate and  
5 file with the Division of Medical Quality at  
6 its office in Sacramento, California, at  
7 quarterly intervals after the effective date  
8 of this order, an affidavit setting forth  
9 the respondent's then present residence and  
10 office addresses, and shall set forth, if  
11 such be the case, that respondent has fully  
12 and faithfully complied with all of the terms  
13 and conditions of probation herein imposed;  
14 if respondent has failed to comply with any  
15 of the terms and conditions of probation, or  
16 has committed any acts in violation of this order,  
17 the same shall be fully set forth and explained  
18 in said affidavit. Failure to file this affidavit  
19 or to include therein the information above  
20 specified shall constitute a violation of the  
21 terms of probation.

22 (3) Within 90 days following the effective  
23 date of this decision, a medical consultant in  
24 the Division will send respondent written notice  
25 of the time, date and place for an initial interview  
26 to discuss the terms and conditions of probation.  
27 Respondent shall report in person to the medical

1 consultant as requested, and, during probation,  
2 shall appear in person for subsequent interviews  
3 held at least once a calendar year, as directed  
4 by the medical consultant or by the Division.

5 (4) Respondent shall fully and completely  
6 comply with the probation surveillance program  
7 and cooperate with any agent of the Board  
8 operating thereunder.

9 (5) Respondent shall completely abstain  
10 from the use of alcohol, narcotics, or  
11 dangerous drugs in any form except when a  
12 bona fide patient of a physician or surgeon,  
13 and the same is lawfully prescribed for him  
14 for a medical condition. Respondent shall not  
15 prescribe for himself.

16 (6) Respondent shall, within 15 days  
17 of the effective date of this Decision, con-  
18 sult a licensed physician and surgeon who  
19 specializes in psychiatry of his own choosing  
20 approved by the Board. Commencing on March  
21 1, 1978, respondent shall have such psychia-  
22 trist provide semi-annual reports to the Board  
23 at its Sacramento office, located at 1020  
24 "N" Street, Room 434, Sacramento, California  
25 95814, setting forth the diagnosis, progress  
26 and prognosis of respondent's condition. The  
27 psychiatrist's reports shall be submitted to

1 the Board in Sacramento during the period of  
2 probation or until the psychiatrist determines  
3 that respondent is no longer in need of treatment.

4 (7) Respondent shall, within 15 days of  
5 the effective date of this Decision, consult a  
6 licensed physician and surgeon who specializes  
7 in internal medicine of his choosing  
8 approved by the Board. Respondent shall have  
9 such physicaan provide his reports to the  
10 Board at its Sacramento office, located at  
11 1020 "N" Street, Room 434, Sacramento,  
12 California 95814, setting forth the diagnosis  
13 and prognosis of respondent's condition. Such  
14 reports shall be submitted to the Board in  
15 Sacramento during the period of probation or  
16 until the physician determines that respondent  
17 is not in need of medical treatment.

18 (8) At the Board's option to be exercised  
19 at any time during respondent's probationary  
20 period, respondent will also submit to a  
21 complete diagnostic examination by one or more  
22 physicians or surgeons specializing in psychiatry  
23 appointed by the Board.

24 (9) Respondent shall attend Alcoholics  
25 Anonymous meetings or a similar program previously  
26 approved in writing by the Division, at least  
27 twice a week for at least 45 weeks a year,

during said period of probation.

Should the Division of Medical Quality after notice to respondent and an opportunity to be heard, determine that respondent has during the period of probation violated any term or condition herein imposed, said Division may reimpose the revocation or make such other or further order as it may then deem just and reasonable in the exercise of its discretion. Proceedings to reimpose the revocation or make any other disciplinary

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1 order with respect thereto shall be initiated  
2 within the period of probation or within one  
3 year after the termination thereof; otherwise  
4 the stay shall become permanent.

5 EVELLE J. YOUNGER, Attorney General  
6 SAMUEL E. SPITAL,  
7 Deputy Attorney General

8 DATED: 12/15/77

By Samuel E. Spital

SAMUEL E. SPITAL,  
Deputy Attorney General

Attorneys for Complainant

12 DATED December 19, 1977

By Allen E. Rigdon

ALLEN RIGDON, Esq.

Attorney for Respondent

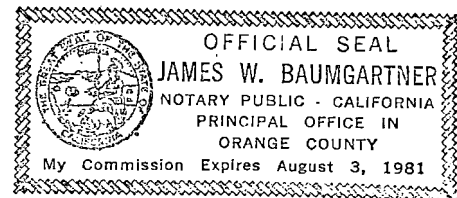
15 I have read the above document and fully discussed it  
16 with my attorney. I agree to the above Stipulation for  
17 Settlement.

18 DATED: December 19, 1977

Gerald C. Olesek  
GERALD C. OLESEK

19 Subscribed and sworn to before me  
20 this 19th day of December, 1977.

21 James W. Baumgartner  
22 Notary Public



23 SES:slk

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2 SAMUEL E. SPITAL,  
3 Deputy Attorney General  
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8 BEFORE THE DIVISION OF MEDICAL QUALITY  
9 BOARD OF MEDICAL QUALITY ASSURANCE  
10 DEPARTMENT OF CONSUMER AFFAIRS  
11 STATE OF CALIFORNIA  
12

13 In the Matter of the Accusation  
14 Against:

15 GERALD C. OLESEK, M.D.  
16 1751 W. Romeya Drive  
17 Anaheim, California

18 Physician's and Surgeon's  
19 Certificate No. C-25323

20 Respondent.

NO. D-2055

ACCUSATION

21 ROBERT ROWLAND alleges:

22 1. He is the Executive Director of the Board of  
23 Medical Quality Assurance of the State of California and files  
24 this Accusation in his official capacity.

25 2. On or about July 25, 1963, respondent Gerald C.  
26 Olesek, M.D., was issued License No. C-25323 by the Board.  
27 The license is in full force and effect.

1.

1           3. All section references are to the Business and  
2 Professions Code.

3           4. Respondent is subject to disciplinary action  
4 pursuant to Business and Professions Code sections 2360 and  
5 2390, which provide:

6           A. Section 2360 authorizes the Board to take  
7 disciplinary action against the holder of a physician's  
8 and surgeon's certificate who is guilty of unprofessional  
9 conduct.

10          B. Unprofessional conduct is defined in section  
11 2390 as the use of alcoholic beverages to the extent  
12 such use is injurious to the licensee or another;  
13 section 2390 further provides the record of a conviction  
14 of more than one misdemeanor involving the use of  
15 alcohol is conclusive evidence of unprofessional conduct.

16          4. Respondent's certificate is subject to discipline  
17 under section 2360 because he has engaged in unprofessional  
18 conduct within the meaning of section 2390. Respondent has  
19 been convicted of more than one misdemeanor involving the  
20 use of alcohol, as more particularly alleged below:

21          A. On or about February 3, 1977, in the Municipal  
22 Court, Central Orange County Judicial District, County  
23 of Orange, State of California, Case No. 76CS06936  
24 entitled "People of the State of California v.  
25 Gerald Church Olesek," respondent pled guilty to a  
26 violation of Vehicle Code section 23102(a) (driving  
27 under the influence of alcohol) and was placed on probation.

1 for a period of two years and ordered to pay a fine  
2 plus penalty assessment, in the amount of \$440.50.

3 B. On or about July 23, 1976, in a proceeding  
4 in the Municipal Court, Central Orange County Judicial  
5 District, County of Orange, State of California, Case  
6 No. 389721 entitled "People of the State of California  
7 v. Gerald Church Olesek," respondent pled guilty to a  
8 violation of sections 22350 (basic speed law) and 21658(a)  
9 (unsafe lane change) of the Vehicle Code. Count one of  
10 the complaint, section 23102a (driving a vehicle while  
11 under the influence of alcohol) was dismissed as part of  
12 the plea. Respondent was ordered to pay a fine plus  
13 penalty assessment.

14 C. On or about September 3, 1970, in a proceeding  
15 in the Municipal Court, West Orange County Judicial  
16 District, County of Orange, State of California, Case  
17 No. 32253, entitled "People of the State of California v.  
18 Gerald Church Olesek," respondent pled guilty to a  
19 violation of section 23102(a) of the Vehicle Code (driving  
20 a vehicle while under the influence of alcohol).  
21 Respondent was ordered to pay a fine of \$250.00 plus  
22 penalty assessment.

23 D. On or about February 8, 1965, in a proceeding  
24 in the Municipal Court, Long Beach Judicial District,  
25 County of Los Angeles, State of California, Case No.  
26 D 152740, entitled "People of the State of California v.  
27 Gerald Church Olesek," respondent pled guilty to a

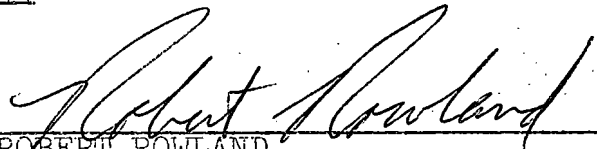
1 violation of section 647f of the Penal Code (public  
2 intoxication). Respondent was placed on one year  
3 summary probation.

4 WHEREFORE, complainant requests that the Board hold  
5 a hearing and upon proof of the charges contained herein, take  
6 such action as is authorized by section 2372 of the Code,  
7 to wit:

8 1. Revoke or suspend License No. C 25323 issued  
9 to respondent Gerald C. Olesek, M.D.; and

10 2. Take such other and further action as the Board  
11 deems proper.

12 DATED: August 18, 1977

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15 ROBERT ROWLAND  
16 Executive Director  
17 Board of Medical Quality Assurance  
18 State of California

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Complainant